



DOCKET NO. LIFE-078/LIFE LFS-138

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BIOSENSOR APPARATUS AND METHOD WITH SAMPLE TYPE AND VOLUME DETECTION, the specification of which was filed on December 12, 2001 and assigned U.S. Serial No. 10/020,169.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s) :

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

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(Application Number)

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(Filing Date)

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(Application Number)

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(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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Application Serial No.	Filing Date	Status
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Application Serial No.	Filing Date	Status
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith as well as to file equivalent patent applications in countries foreign to the United States including the filing of international patent applications in accordance with the Patent Cooperation Treaty: Mark Warfield (Reg. #33,463), One Johnson & Johnson Plaza, New Brunswick, NJ 08933, Bernard Shay (Reg. # 32,061) and Mayumi Maeda (Reg. #40,075) LifeScan, Inc., 1000 Gibraltar Drive, Milpitas, CA 95035, as well as Bret Field (Reg.#. 37,620), Carol LaSalle (Reg.# 39,740), Robert Hall (Reg. # 39, 209) and Frank Becking (Reg. # 42,309), 200 Middlefield Road, Suite 200, Menlo Park, CA 94025.

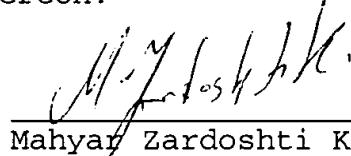
Address all telephone calls to Carol LaSalle at telephone no. (650) 327-3400.

Address all correspondence to Carol LaSalle, Bozicevic, Field & Francis LLP, 200 Middlefield Road, Suite 200, Menlo Park, CA 94025

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature:

Full Name of Sole  
or First Inventor



Mahyar Zardoshti Kermani

Date: 5/16/2002

Citizenship: Iran

Residence: 3154 Gulfstream Street  
Pleasanton, CA 94588

Post Office Address: Same as above

A S S I G N M E N T

Serial No. None  
Filed

WHEREAS, Mahyar Z. Kermani, residing at 3154 Gulfstream Street Pleasanton, CA 94588 (hereinafter called "Assignor"), has made certain new and useful inventions or discoveries relating to

BIOSENSOR APPARATUS AND METHOD WITH SAMPLE TYPE AND VOLUME DETECTION

for which he has on the            day of December, 2001 executed an application for Letters Patent of the United States; and

WHEREAS, LifeScan, Inc., a corporation of the State of California, (hereinafter called "Assignee"), is desirous of acquiring the entire right, title, and interest therein;

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar and other valuable considerations to him moving, the receipt of which is hereby acknowledged, Assignor has sold, assigned, and transferred, and does hereby sell, assign, and transfer unto said Assignee the entire right, title, and interest in and to all said inventions and discoveries disclosed in said application whose identification above by serial number and filing date, when available is hereby authorized, and in and to said application, all substitutions, divisions, and continuations thereof, and in and to all Letters Patent, United States and foreign, that may be granted for said inventions and discoveries, and in and to all extensions, renewals, and reissues thereof, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made;

And Assignor hereby authorizes and requests the Commissioner of Patents of the United States to issue said Letters Patent in accordance with this Assignment;

And for the consideration aforesaid, Assignor covenants and agrees with said Assignee that he has a full and unencumbered title to the inventions and discoveries above described and hereby assigned, which title he warrants unto said Assignee, its successors and assigns;

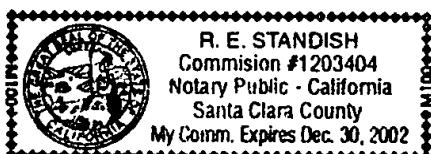
And for the consideration aforesaid, Assignor further covenants and agrees that he will, whenever requested, but without cost to him promptly communicate to said Assignee or its representatives any facts known to him relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives, successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN TESTIMONY WHEREOF, Assignor has hereunto set his hand and seal this 18<sup>th</sup> day of December, 2001.

M.Z.Kermani (L.S.)  
Mahyar Z. Kermani

STATE OF CALIFORNIA ) ss.  
COUNTY OF SANTA CLARA

BE IT REMEMBERED, That on this 12 day of December, 2001, before me, a Notary Public, personally appeared Mahyar Z. Kermani, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.



R.E. Standish  
Notary Public



DOCKET NO. LFS-138 (O/C Ref. LIFE-078)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mahyar Z. Kermani

Serial No. : 10/020,169

Art Unit: Unknown

Filed : Dec. 12, 2001

Examiner: Unknown

For : Biosensor Apparatus and Method With Sample Type and Volume Detection

Commissioner for Patents  
Washington, D.C. 20231

COPY OF PAPER  
OF RECORD  
SEARCHED  
SERIALIZED  
INDEXED  
FILED  
MAY 29 2002  
U.S. PATENT AND TRADEMARK OFFICE  
CITY OF WASHINGTON, D.C.

ASSOCIATE POWER OF ATTORNEY

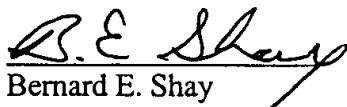
Sir:

In the matter of the above-identified application, I hereby appoint Bret Field, Reg. No. 37,620; Carol LaSalle, Reg. No. 39,740; Frank Becking, Reg. No. 42,309; and Robert Hall, Reg. No. 39,209, of the firm Bozicevic, Field and Francis, whose postal address is 200 Middlefield Road, Suite 200, Menlo Park, California 94025, my associate attorneys to prosecute said application, to make alterations and amendments therein, to file continuing applications claiming the benefit of said application, to receive the patent and to transact all business in the Patent Office connected with said application.

I request all communications with respect to said application be addressed to Carol LaSalle, Bozicevic, Field and Francis, 200 Middlefield Road, Suite 200, Menlo Park, California 94025. All telephone calls should be directed to Carol LaSalle (650) 327-3400.

In accordance with 37 CFR 3.73(b), I certify that I am empowered to act on behalf of the Assignee by virtue of an Assignment a copy of which is attached hereto.

Signed at Milpitas, in the County of Santa Clara and State of California, this 14<sup>th</sup> day of March, 2002.

  
Bernard E. Shay  
Reg. No. 32,061  
Attorney for Applicant(s)

1000 Gibraltar Drive  
Milpitas, CA 95035  
(408) 956-4066  
DATED: March 14, 2002

MAY 29 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name      Donna Macedo

Signature

Date

March 18, 2002

CG

**CHANGE OF  
CORRESPONDENCE ADDRESS  
APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket	LIFE-078
First Named Inventor	Mahyar Z. Kermani
Application Number	10/020,169
Filing Date	December 12, 2001
Group Art Unit	N/A
Examiner Name	N/A
Title:	BIOSENSOR APPARATUS AND METHOD WITH SAMPLE TYPE AND VOLUME DETECTION

Please change the Correspondence Address for the above-identified application to customer number:



24353

Please direct all communications to:

Individual Name	Carol M. LaSalle		
Firm Name	BOZICEVIC, FIELD & FRANCIS LLP		
Address	200 Middlefield Road, Suite 200		
City, State, Zip	Menlo Park, California 94025		
Country	U.S.A.		
Telephone	(650) 327-3400	Facsimile	(650) 327-3231

I am the:

Applicant; or  
 Assignee of record of the entire interest  
 Attorney of record

**SIGNATURE of Applicant, Assignee or Attorney of Record**

Name	Carol M. LaSalle
Signature	
Date	March 18, 2002

**COPY**